IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 22297 of 2007(D)

OS.131/2000 of PRINCIPAL SUB COURT,ALAPPUZHA

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PETITIONER:

RANI K.B., W/O.BENNY, PALLIPARAMBIL HOUSE, KOCHIKARAN VEEDU, PATHIRAPALLY P.O., ALAPPUZHA, REPRESENTED BY POWER OF ATTORNEY HOLDER MR.BENNY ALIAS BENCHAMIN, RESIDING AT ABOVE ADDRESS.

BY ADV. SRI.C.S.ULLAS

RESPONDENTS:

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1. THE FEDERAL BANK LTD., MARARIKULAM BRANCH, ALLEPPEY DISTRICT, REPRESENTED BY ITS MANAGER.

2. ABHILASH SHERLY, S/O.LATE P.S.SHERLY, PALLIPARAMBIL HOUSE, KATTOOR P.O., ALAPPUZHA.

3. PEARLY SHERLY, W/O.LATE P.S.SHERLY, PALLIPARAMBIL HOUSE, KATTOOR P.O., ALAPPUZHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P(C).NO.22297 OF 2007

Dated this the 20th day of July, 2007

JUDGMENT

This Writ Petition is filed seeking a direction to adjudicate Exhibits P3 and P4 on merits and to stop the sale proclamation, on the basis of Exhibit P2. It is submitted before me that both Exhibits P3 and P4 applications had been dismissed by the court below and another application is filed to review those orders and it has not been taken up for hearing by the court below. I am not going to express anything on the merits of the case. But, since the party has approached the court with a prayer for hearing and if he is legally entitled for the same, I do not want to stand in the way and therefore I direct the court below to dispose of the Review Application filed by the writ petitioner within a time frame of three weeks from today and in the meanwhile the sale posted for tomorrow be adjourned by three weeks. I make it clear that in case of ultimate dismissal of the applications, the present writ petitioner shall not have the right to demand for a fresh proclamation and further it must be declared that he has waived such right and the court can proceed on the same proclamation for a fresh sale.

The Writ Petition is disposed of as above.

M.N.KRISHNAN, JUDGE

vgs.